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REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

Claims 6-10 and 12-15 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By way of the present amendment, claims 11-16 are canceled. Claims 1-10 are considered apparatus. Accordingly, claims 1-10 are pending.

Claims 1, 2, 4-7, 9, and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Geer in view of Bijmagte and Cahill et al. Claims 3 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Geer in view of Bijmagte and Cahill et al., and further in view of Jones et al.

Claim 1 recites a method of operating an electronic check presentment with image interchange system. The method comprises the steps of creating a number of electronic bundle files based upon captured MICR data associated with items, processing cash letter files and captured image data associated with the items to create a first temporary list, processing the cash letter files and the electronic bundle files to create a second temporary list, and merging the first and second temporary lists to create a merged list for creating an image presentment file.

Applicant notes from the Office Action that the Examiner states "It would have been obvious to one with ordinary skill in the art to include creation of first and second temporary lists that are merged to create a merged list for creating an image presentment file because Bijmagte teaches the need of temporary list for merging purposes of data and image files (col 7, lines 17-36)." In this regard, Applicant would like to respectfully point out that Geer discloses a complete and fully operational electronic check presentment with image interchange system in which an image presentment file is sent from a sending bank to a receiving bank. Since Geer discloses a complete and fully operational electronic check presentment with image interchange system in which an image presentment file is sent from a sending bank to a receiving bank, there would be no motivation at all for a person skilled in the art to look to teachings of another reference to obtain a feature (i.e., the capability to send

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an image presentment file from the sending bank to the receiving bank) that Geer already discloses as having. Applicant respectfully requests that the Examiner explain in detail why a person skilled in the art would be motivated to modify Geer to obtain a feature that it already discloses as having.

If the Examiner continues to reject claim 1 of the present application by combining Geer in view of Bij nagte, it is respectfully requested that the Examiner provide an explanation as to why a person skilled in the art would be motivated to make the particular combination of references (in this case, the combination of Geer in view of Bij nagte). Absent an adequate explanation, it is respectfully submitted that the rejection of claim 1 of the present application is improper and, therefore, should be withdrawn.

Moreover, Applicant would like to respectfully point out that claim 1 recites more than just a step of merging first and second temporary lists to create a merged list for creating an image presentment file. Claim 1 also recites the steps of "creating a number of electronic bundle files based upon captured MICR data associated with items", "processing cash letter files and captured image data associated with the items to create a first temporary list", and "processing the cash letter files and the electronic bundle files to create a second temporary list". In this regard, Applicant respectfully requests that the Examiner where any of the prior art including Geer and Bij nagte discloses or even remotely suggests these three elements which are recited in claim 1 of the present application. Absent an adequate showing, it is respectfully submitted that the rejection of claim 1 is improper and, therefore, should be withdrawn.

None of the prior art including the prior art references of record discloses or suggests a method of operating an electronic check presentment with image interchange system, wherein the method comprises the steps of creating a number of electronic bundle files based upon captured MICR data associated with items, processing cash letter files and captured image data associated with the items to create a first temporary list, processing the cash letter files and the electronic bundle files to create a second temporary list, and merging the first and second temporary lists to create a merged list for creating an image presentment file.

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Thus, claim 1 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 2 depends from claim 1 and is allowable for the reasons claim 1 is allowable and for the specific limitations recited therein. Claim 2 further recites the step of creating an image presentment file in a predefined format structure suitable for sending from a sending bank to a receiving bank based upon the merged list. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 2 in combination with the structure recited in claim 1. Thus, claim 2 patentably defines over the prior art including the prior art references of record, whether taken singularly on in combination, and is therefore allowable.

Claim 3 depends from claim 1 and is allowable for the reasons claim 1 is allowable and for the specific limitations recited therein. Claim 3 further recites the steps of storing the captured image data in an image data repository, and retrieving from the image repository any image data which is missing from the merged list. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 3 in combination with the structure recited in claim 1. Thus, claim 3 patentably defines over the prior art including the prior art references of record, whether taken singularly on in combination, and is therefore allowable.

Claim 4 depends from claim 1 and is allowable for the reasons claim 1 is allowable and for the specific limitations recited therein. Claim 4 further recites the steps of generating indexing data based upon the captured MICR data, and storing the captured MICR data and the generated indexing data in a MICR data repository. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 4 in combination with the structure recited in claim 1. Thus, claim 4 patentably defines over the prior art including the prior art references of record, whether taken singularly on in combination, and is therefore allowable.

Claim 5 depends from claim 4 and is allowable for the reasons claim 4 is allowable and for the specific limitations recited therein. Claim 5 further recites the steps of retrieving from the MICR data repository the corresponding MICR data and the corresponding indexing

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data for each physical bundle of items, and creating an electronic bundle file based upon the retrieved indexing data and the retrieved MICR data. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 5 in combination with the structure recited in claim 4. Thus, claim 5 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 6 recites an electronic check presentment with image interchange system comprising means for creating a number of electronic bundle files based upon captured MICR data associated with items, means for processing cash letter files and captured image data associated with the items to create a first temporary list, means for processing the cash letter files and the electronic bundle files to create a second temporary list, and means for merging the first and second temporary lists to create a merged list for creating an image presentment file.

None of the prior art including the prior art references of record discloses or suggests an electronic check presentment with image interchange system comprising means for creating a number of electronic bundle files based upon captured MICR data associated with items, means for processing cash letter files and captured image data associated with the items to create a first temporary list, means for processing the cash letter files and the electronic bundle files to create a second temporary list, and means for merging the first and second temporary lists to create a merged list for creating an image presentment file. Thus, claim 6 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 7 depends from claim 6 and is allowable for the reasons claim 6 is allowable and for the specific limitations recited therein. Claim 7 further recites means for creating an image presentment file in a predefined format structure suitable for sending from a sending bank to a receiving bank based upon the merged list. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 7 in combination with the structure recited in claim 6. Thus, claim 7 patentably defines over the prior art

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including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 8 depends from claim 6 and is allowable for the reasons claim 6 is allowable and for the specific limitations recited therein. Claim 8 further recites means for storing the captured image data in an image data repository, and means for retrieving from the image repository any image data which is missing from the merged list. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 8 in combination with the structure recited in claim 6. Thus, claim 8 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 9 depends from claim 6 and is allowable for the reasons claim 6 is allowable and for the specific limitations recited therein. Claim 9 further recites means for generating indexing data based upon the captured MICR data, and means for storing the captured MICR data and the generated indexing data in a MICR data repository. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 9 in combination with the structure recited in claim 6. Thus, claim 9 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 10 depends from claim 9 and is allowable for the reasons claim 9 is allowable and for the specific limitations recited therein. Claim 10 further recites means for retrieving from the MICR data repository the corresponding MICR data and the corresponding indexing data for each physical bundle of items, and means for creating an electronic bundle file based upon the retrieved indexing data and the retrieved MICR data. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 10 in combination with the structure recited in claim 9. Thus, claim 10 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

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In view of the foregoing, it is submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Respectfully submitted,



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